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In re Application of:
Rikuro Obara
Serial No.: 10/087,757
Filed: March 05, 2002
Attorney Docket No.: 2523-073

DECISION ON PETITION
TO WITHDRAW HOLDING
OF ABANDONMENT

This is a decision on the communication filed December 24, 2003. This communication has been treated as a petition under 37 CFR § 1.181, to withdraw the holding of abandonment. No petition fee is required.

The petition to withdraw the holding of abandonment is **GRANTED**.

The application was held abandoned for the failure to timely file a response to the Office action mailed on May 30, 2003. A Notice of Abandonment was mailed on December 16, 2003.


Petitioner asserts that on December 01, 2003, a response including an amendment was timely filed in the above-identified application. To support this assertion, petitioner has submitted a copy of a 21 page response bearing a certificate under 37 CFR § 1.8(a) showing a date of transmission of December 01, 2003, a copy of an auto-reply facsimile transmission from the PTO facsimile machine which acknowledges satisfactory facsimile transmission of 21 pages to the PTO on December 01, 2003.

A review of the application file reveals the above noted response was not matched with the application file wrapper at the time of mailing of the Notice of Abandonment. The above-identified response filed December 01, 2003, has since been located and matched with the file wrapper.

For the above stated reasons, the petition is **granted**. The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn. The application is restored to pending status.

The application file will be forwarded to the examiner for further examination.

Inquiries regarding this decision should be directed to Clayton E. LaBalle at (571) 272-1594.



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